WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1945

ENROLLED

HOUSE BILL No. 9

(By Mr. Evans)

PASSED March 5, 1945

In Effect 90 days from Passage

3-15
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[Passed March 5, 1945; in effect ninety days from passage.]

AN ACT to amend chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, to be designated article four-a, relating to the discovery and suppression of syphilis by providing a compulsory serologic test for pregnant women.

Be it enacted by the Legislature of West Virginia:

That chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article to be designated article four-a, to read as follows:

Article 4-a. Prenatal Examination.

Section 1. Compulsory Serologic Test.—Every pregnant woman, resident in West Virginia, shall have a blood sample taken and submitted to the West Virginia state hygienic laboratory or other laboratory approved by the
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5 state department of health where there shall be per-
6 formed thereon a standard serologic test for syphilis.
7 Any standard laboratory test for syphilis approved by the
8 state commissioner of health shall be considered to be
9 such a standard serologic test.

Sec. 2. Attending Physician to Obtain Blood Speci-
2 men.—Every physician engaging in attendance upon a
3 pregnant woman in West Virginia shall, as soon as he or
4 she is engaged to attend a woman and has reasonable
5 grounds for suspecting that pregnancy exists, acquaint
6 such woman with the provisions of this article and take
7 or cause to be taken a specimen of blood from such
8 woman. This specimen shall be submitted to the state
9 hygienic laboratory or other laboratory approved by the
10 state department of health as required by the preceding
11 section. If the woman is in a stage of gestation or labor at
12 the time that the diagnosis of pregnancy is made, which
13 may make it inadvisable to obtain the specimen, the
14 specimen of blood shall be obtained within ten days fol-
15 lowing delivery.
16 The state hygienic laboratory of the state health de-
partment shall perform the serological tests required by law on all blood specimens taken from pregnant women by physicians for examination. These tests shall be performed without charge.

Upon request it shall be the duty of county and district health officers to draw blood specimens from pregnant women for performing thereon a serologic test for syphilis. This service shall be performed without charge.

In those areas where the services of a district or county health officer are not available, the state health department shall assume the responsibility of obtaining the required blood specimens without any charge to the pregnant women.

Sec. 3. Identification of Specimen; Report.—Any physician who takes or causes to be taken from a woman in pregnancy or suspected pregnancy a blood test for syphilis shall identify such specimen as being from a pregnant woman, and the laboratory shall provide a report in triplicate on forms prepared and furnished by the state department of health showing the results of such tests. The original of each such report shall be
sent at once to the physician submitting the specimen, a
duplicate shall be forwarded to the bureau of venereal
diseases of the state department of health during the week
that the test was performed, and the triplicate shall be
retained by the laboratory for its files. All laboratory re-
ports shall be confidential and shall not be open to public
inspection. The laboratory test for syphilis in compliance
with this article shall be performed free of charge by the
state hygienic laboratory on the application of any mu-
nicipal or county health officer or other physician, or
any other person permitted by law to secure such speci-
mens.

Sec. 4. Notation on Birth Certificate.—Every physician
required to report births and stillbirths, shall state on
each birth certificate or stillbirth certificate, as the case
may be, whether a blood test for syphilis was performed
during such pregnancy upon a specimen of blood taken
from the woman who bore the child for which the birth
or stillbirth certificate is filed.
If such test was made, the physician shall state on the
certificate the name of the test used, the date the test
was performed and the name of the laboratory making
the test; if not made, the physician filing the certificate
shall state the reason or reasons why such test was not
performed. In no event shall the result of the test be
stated on the birth or stillbirth certificate.

Sec. 5. Offenses; Penalty.—Any physician or representa-
tive of a laboratory, making such examinations or tests
as are required by this article, or filing such birth or
stillbirth certificates, who shall knowingly misrepre-
sent any of the facts called for in the laboratory reports
or birth or stillbirth certificate, or who otherwise know-
ingly and wilfully shall violate any provision of this ar-
ticle, shall be guilty of a misdemeanor and upon convic-
tion thereof shall be subject to a fine of not less than ten
dollars nor more than fifty dollars.

Sec. 6. Separability.—If any part of this article shall
be declared unconstitutional, such declaration shall not
affect any other part thereof.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Charles C. Morris  
Chairman Senate Committee

J. A. Delony  
Chairman House Committee

Originated in the House

Takes effect 90 days from passage.

Thomas Dickerson  
Clerk of the Senate

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Clerk of the House of Delegates

George W. Pickers  
President of the Senate

John E. Cemora  
Speaker House of Delegates

The within  
Approved this the 15th  

day of March, 1945.

Dwight D. Eisenhower  
Governor.

Filed in the office of the Secretary of State of West Virginia, March 16, 1945.

Wm. S. O’Brien,  
Secretary of State